



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,432	11/14/2001	Cullen Davis	321.068	6137

7590 07/14/2005

B. Craig Killough
Barnwell Whaley Patterson & Helms, LLC
Suite 300
134 Meeting Street
Charleston, SC 29401

EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,432

Applicant(s)

DAVIS ET AL.

Examiner

Yixing Qin

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/14/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krinsky (U.S. Patent No. 6,354,212) and in view of Lourette et al (U.S. Patent No. 6,515,760).

Claims 1 and 4

- Krinsky discloses in Fig. 1 a length and height of various wallpaper pieces. Column 4, lines 28-36 discloses the printing of an image on the wallpaper. It would be obvious that these are the same size as to not waste paper printing.
- By using these values for all 6 in Fig. 1 pieces together, it effectively defines the size of the composite wallpaper.
- Krinsky does not disclose an assembly spacing. However, the secondary reference, Lourette, discloses in Figs. 5A-5D various overlapping regions (i.e. **assembly spacing**) that is used in combining the images.
- Krinsky discloses in column 4, lines 2-4 the resizing of an image to make it fit the actual wallpaper.
- Krinsky again does not disclose the **assembly spacing** but does show the merging of images in Fig. 1. Lourette discloses in Fig. 4 an entire image, which can be created from the portions as shown in Figs. 5A-5D. One can see that the various overlapping regions (i.e. **assembly spacing**) become part of the overall image. Depending on how one sizes the overlapping portion, it would be obvious to have the images plus the overlapping portion to equal the size of the entire composite image.
- Krinsky discloses in column 4, lines 28-36 the printing of the wallpapers.
- **Claim 4** calls for the transferring of the image to a substrate, and then to another substrate. Krinsky discloses in column 4, lines 30-36 that a mirror image is

Art Unit: 2622

created on a substrate, and then the mirror image is then transferable to a suitable wallpaper substrate. (i.e. two different substrates)

- Both references are in the art of creating a composite image from a plurality of smaller ones. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used overlapping portions. The motivation would be to more easily fit together the various sub-images.

Claims 2 and 5

- One can see the combined images in Fig. 1 of Krinsky and Fig. 4 of Lourette.

Claims 3 and 6

- The overlapping regions in Lourette can read on orientation marks as they help an user create a composite image by lining up the various overlapping regions to the corresponding overlapping regions. Furthermore, using marks to combine images is well known – i.e. see Yoshihara (U.S. Patent No. 5,465,163 – Figs. 10-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/992,432
Art Unit: 2622

Page 4

YQ

EDWARD COLES
PATENT EXAMINER
2000


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER